IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steven Tischer	)
		) Group Art Unit:
Serial No.:	10/736,440	) 2626
		) Examiner:
Filed:	December 15, 2003	) Neway
		)
For:	SYSTEM, METHOD, AND STORAGE	)
	MEDIUM FOR GENERATING SPEECH	)
	GENERATION COMMANDS	)
	ASSOCIATED WITH COMPUTER	)
	READABLE INFORMATION	)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

In response to the Final Office Action mailed September 12, 2007 and in conjunction with the concurrently filed Notice of Appeal, Applicant requests a pre-Appeal conference in view of the following remarks.

REMARKS

In response to the Office Action dated September 12, 2007, Applicant respectfully requests reconsideration based on the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1, 6-7, 9 and 13-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by Mark (6,510,413)

Claim 1 recites, *inter alia*, "wherein the cellular phone includes a memory having a voice file stored therein, the voice file having a plurality of speech samples from a predetermined person, the signals received by the cellular phone corresponding to the first collection of speech generation commands, the phone accessing a predetermined set of the speech samples in the voice file based on the first collection of speech generation commands to generate auditory speech." Applicant submits that Mark does not teach this feature. Mark does reference using pre-recorded digital audio and concatenating these units to generate speech (column 1, lines 51-60). This teaching, however, is in the Background section of Mark and is characterized as having a disadvantage that the digital audio files require large amounts of memory (column 2, lines 12-24). Mark actually teaches an alternate to storing pre-recorded audio files.

Mark teaches an intermediate form that represents synthetic speech. The intermediate form in Mark is composed of a time-sequence of symbols, corresponding to basic speech sounds and additional symbols for modulating those basic sounds, with the result that when the time-sequence of symbols is applied as input to a speech waveform rendering program 216, a digital audio waveform is produced that sounds like a human reading the corresponding text (column 4, lines 28-34).

The voice file as recited in claim 1 is different from the intermediate form in Mark. The voice file contains a plurality of speech samples from a predetermined person and is indexed by the speech generation command. To generate an audible element, the speech sample is played. The intermediate form in Mark is analogous to phonemes that must be processed by a speech processor rather than simply playing a pre-recorded speech sample.

The Examiner has relied on the Background section of Mark as teaching the use of pre-recorded digital audio files. As noted above, Mark references this technique and then

notes that this technique has the disadvantage of requiring large amounts of memory. Mark then describes the invention of using the intermediate form and its advantages over the pre-recorded audio (column 3, lines 6-15; column 8, lines 43-54). Thus, a complete reading of Mark shows that Mark actually teaches against using the pre-recorded digital audio files relied upon by the Examiner. The Examiner is mixing embodiments disclosed in Mark with prior art discouraged by Mark. Clearly, this is a misinterpretation of Mark

Given a proper reading of Mark, Mark fails to teach the voice file as recited in claim 1.

For at least the above reasons, claim 1 is patentable over Mark. Claim 6 depends from claim 1 and is patentable over Mark for at least the reasons advanced with reference to claim 1. Claims 7 and 15 also recite the use of a voice file and are patentable over Mark for at least the reasons advanced with reference to claim 1. Claims 9, 13 and 14 variously depend from claim 7 and are patentable over Mark for at least the reasons advanced with reference to claim 7.

Claim 2 was rejected under 35 U.S.C. § 103 as being unpatentable over Walker (20010047260) in view of Mark (6510413). This rejection is traversed for the following reasons. Walker was relied upon as allegedly disclosing a second computer for generating a second collection of speech generation commands but fails to cure the deficiencies of Mark discussed above with reference to claim 1. Walker discloses a number of text-to-speech (TTS) engines but does not teach the use of a voice file as recited in claim 1. Claim 2 is dependent on claim 1 and is patentable over Mark in view of Walker for at least the reasons advanced with reference to claim 1.

In view of the foregoing remarks, Applicant submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,
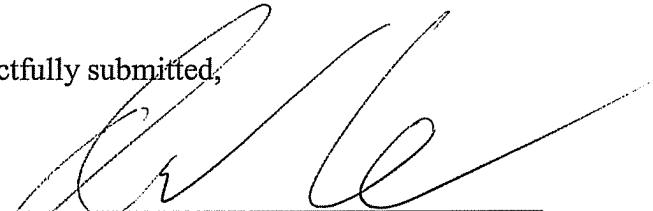
By:_____
David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

Date: December 11, 2007